Frank J. Lozoya IV (SBN161640)
LAW OFFICES OF LOZOYA & LOZOYA
15060 Ventura Blvd., Suite 211
Sherman Oaks, California 91403
Telephone: 818-789-7150
Facsimile: 818-789-7190

Attorneys for Plaintiffs,
JOAN G. LOZOYA

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JOAN G. LOZOYA, Plaintiff, v. ERIC J. ANDERSON, M.D.; LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; MOUNTAIN VIEW HOSPITAL; FREEMONT EMERGENCY SERVICE, INC.; ALEXANDRA E. PAGE, M.D.; KAISER FOUNDATION HEALTH PLAN, INC.; KAISER PERMANENTE and DOES 1 through 30, inclusive, Defendant(s).	CASE NO. 07CV-2148IEG (WMC) **PLAINTIFF'S REQUEST TO EXTEND TIME TO SERVE SUMMONS AND COMPLAINT**

TO THE COURT:

Plaintiff hereby request an extension of time to serve the summons and complaint in the above mentioned matter for 45 days for the date of this request. The request is made and based upon the following declaration of frank J. Lozoya IV, Esq.

Dated: March 3, 2008

LAW OFFICES OF LOZOYA & LOZOYA

s/Frank J. Lozoya IV

FRANK J. LOZOYA IV
Attorneys for Plaintiff,
JOAN G. LOZOYA

DECLARATION OF FRANK J. LOZOYA IV

I, Frank J. Lozoya IV, am counsel and attorney of record for Plaintiff, Joan G. Lozoya in this action.

I am an adult, and all of the information set forth in this declaration is known to me personally, and if called as a witness, I would and could competently testify thereto.

* * *

1. This declaration is provided to the Court to request an extension to serve the Summons and First Amended Complaint for 45 days from the date of this request.

2. Plaintiff has been attempting to obtain the medical records and films in this matter. As of February 29, 2008, the Defendant's ERIC J. ANDERSON, M.D.; LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; MOUNTAIN VIEW HOSPITAL and FREEMONT EMERGENCY SERVICE, INC. had not provided the medical records for Plaintiff.

3. On March 3, 2008, we received the medical records from MOUNTAIN VIEW HOSPITAL and presumably Eric J. Anderson, M.D. (Since he was the treating E.R. physician) but the records did not include the Xrays films as requested or the report reading the Xray films. Thus, we again requested these records and are demanding that they provide the Xray films and over read of the films.

4. The records are important to this case. Based upon a partial production of these medical records Plaintiff is now in a position to serve the Complaint and would request that the court extend or enlarge the time for Plaintiff to serve the summons and complaint for 45 days from the date of this application.

5. Plaintiff has been diligent in trying to obtain these records this case and the delay in obtaining these records was not plaintiffs. Thus, since the records were provided by Defendant, Mountain View Hospital and presumably Eric J. Anderson, M.D. Plaintiff is now in a position to serve the First Amended Complaint.

Respectfully requested.

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I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California and the United States.

Executed this 3rd day of March 2008, in Sherman Oaks, California.

s/Frank J. Lozoya IV
FRANK J. LOZOYA IV